

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE NEW MEXICO

APR 26 2005

IN THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF NEW MEXICO
THEW J. DYKMAN
CLERK

CRYSTAL DEYAPP,

Plaintiff.

v.

NO. CIV 02-0452 JP/RLP

**FARMINGTON POLICE OFFICER TAFT TRACY,
and CITY OF FARMINGTON,**

Defendants.

Consolidated with,

JUNIOR JUAREZ,

Plaintiff,

v.

NO. CIV 02-0453 JP/RLP

**FARMINGTON POLICE OFFICER TAFT TRACY,
and CITY OF FARMINGTON,**

Defendants.

FINAL JUDGMENT

THIS MATTER came before the Honorable James A. Parker, Senior United States District Court Judge, on March 7, 2005 through March 10, 2005 for a jury trial.

I. DISPOSITION OF CLAIMS PRIOR TO JURY TRIAL

Prior to the jury trial, the parties filed on December 4, 2004 a Stipulation Dismissing Plaintiff's Municipal Liability (Policies, Customs, Patterns and Practices) Failure to Train and Supervisory Liability Claims. Specifically, that Stipulation dismissed with prejudice the following

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[Signature]

claims:

A. Plaintiff Junior Juarez' federal law supervisory liability claims against Chief McCloskey (Count II), state law supervisory liability claims against Chief McCloskey (Count IV) and all federal and state law municipal liability (policies, customs, patterns, and practices) failure to train and supervisory liability claims against the City of Farmington and Chief McCloskey.¹

B. Plaintiff Crystal Deyapp's federal law supervisory claims against Chief McCloskey (Count II), state law supervisory liability claims against Chief McCloskey (Count IV), and all federal and state municipal liability (policies, customs, patterns and practices) failure to train, and supervisory liability claims against the City of Farmington and Chief McCloskey.²

On December 8, 2004 by way of stipulation, Crystal Deyapp was substituted for Kenneth Deyapp as the Plaintiff as she had reached the age of majority at the time of the December 8, 2005 Pre Trial Conference.

Further, during the Final Pretrial Conference which occurred on March 1, 2005 both Plaintiff Junior Juarez and Crystal Deyapp voluntarily dismissed with prejudice their state law false arrest and false imprisonment claims.

Accordingly, the claims that went to the jury at trial were both Plaintiffs Junior Juarez's and Crystal Deyapp's the Fourth Amendment excessive force and state law battery claims. The jury rendered a verdict as follows:

¹ Cause No. CIV 02-0453 JP/RLP

² Cause No. CIV 02-0452 JP/RLP

AS TO PLAINTIFF JUNIOR JUAREZ

As to Plaintiff Junior Juarez, the jury found in favor of Plaintiff Sacramento "Junior" Juarez and against Defendants Taft Tracy and City of Farmington on the claim of battery. As to that claim, the jury awarded compensatory damages in the amount of \$86,000.00. The jury further found in favor of Plaintiff Sacramento Junior Juarez and against Defendant Taft Tracy on the claim of the excessive use of force. As to that claim, the jury awarded compensatory damages in the amount of \$47,000.00. The jury further found in favor of Plaintiff Junior Juarez and against Defendant Taft Tracy on the claim for punitive damages and awarded Junior Juarez punitive damages in the amount of \$300,000.00. The total damage award to Plaintiff Junior Juarez is \$433,000.00.

AS TO PLAINTIFF CRYSTAL DEYAPP

As to Plaintiff Crystal Deyapp, the jury found in favor of Plaintiff Crystal Deyapp and against Defendants Taft Tracy and the City of Farmington on the claim of battery. As to the battery claim, the jury awarded compensatory damages in the amount of \$32,000.00. The jury further found in favor of Plaintiff Crystal Deyapp and against Defendant Taft Tracy on the claim of the excessive use of force. As to the excessive force claim, the jury awarded compensatory damages in the amount of \$25,000.00. The jury further found in favor of Plaintiff Crystal Deyapp and against Defendant Taft Tracy on the claim for punitive damages and awarded punitive damages in the amount of \$200,000.00. The total damage award to Plaintiff Crystal Deyapp is \$257,000.00.


WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, that the Final Judgement is entered in favor of Plaintiff Sacramento "Junior" Juarez and against Defendants as follow:

- A. Against Defendant Taft Tracy alone in the amount of \$347,000.00;
 - B. Against Defendant Taft Tracy and City of Farmington in the amount of \$86,000.00;
- and
- C. The total Judgment amount in favor of Sacramento Juarez is \$433,000.00 and this Final Judgement adjudicates all existing claims and liabilities of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Final Judgment is entered in favor of Plaintiff Crystal Deyapp and against Defendants as follows:

- A. Against Defendant Taft Tracy alone in the amount of \$225,000.00;
- B. Against Defendant Taft Tracy and the City of Farmington in the amount of \$32,000.00; and
- C. The total Judgment in favor of Crystal Deyapp is \$257,000.00 and this Final Judgment adjudicates all existing claims and liabilities of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the parties are permitted to apply for fees and costs pursuant to applicable rules.



Honorable James A. Parker
Senior United States District Court Judge